

TERRY E. SANCHEZ (SBN 101318)
Terry.Sanchez@mto.com
KATHLEEN M. McDOWELL (SBN
115976)
Kathleen.McDowell@mto.com
MUNGER, TOLLES & OLSON LLP
355 South Grand Ave.
Thirty-Fifth Floor
Los Angeles, CA 90071
Telephone: (213) 683-9100
Facsimile: (213) 687-3702

VICTORIA L. BOESCH (SBN 228561)
Victoria.Boesch@mto.com
MUNGER, TOLLES & OLSON LLP
560 Mission Street, Twenty-Seventh Floor
San Francisco, CA 94105-2907
Telephone: (415) 512-4000
Facsimile: (415) 512-4077

Attorneys for Defendants
MERRILL LYNCH, PIERCE, FENNER &
SMITH INCORPORATED, MERRILL
LYNCH & CO., INC., and BRIAN RILEY

WILLIAM I. EDLUND (SBN 25013)
Bedlund@bztm.com
ROBERT H. BUNZEL (SBN 99395)
rbunzel@bztm.com
HOWARD I. MILLER (SBN 251878)
hmiller@bztm.com
BARTKO, ZANKEL, TARRANT &
MILLER
A Professional Corporation
900 Front Street, Suite 300
San Francisco, CA 94111
Telephone: (415) 956-1900
Facsimile: (415) 512-4077

Attorneys for Plaintiffs KEVIN MARTIN,
DAVID NORRIS and FRANK STONE

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

KEVIN MARTIN, DAVID NORRIS,
FRANK STONE, individually and on
behalf of all others similarly situated,

Plaintiff,

vs.

MERRILL LYNCH, PIERCE, FENNER &
SMITH, INCORPORATED; MERRILL
LYNCH & CO., INC., BRIAN RILEY and
DOES 1-20,

Defendants.

CASE NO. CV-10-4020-CW

**STIPULATION REGARDING BRIEFING
SCHEDULE FOR MOTION FOR
JUDGMENT ON THE PLEADINGS AND
ORDER**

Date: March 17, 2010
Time: 2:00 p.m.
Judge: Hon. Claudia Wilken
Place: Dept. 2, 4th Floor

Defendants Merrill Lynch, Pierce, Fenner & Smith, Incorporated; Merrill Lynch & Co., Inc.; and Brian Riley and Plaintiffs Kevin Martin, David Norris, and Frank Stone stipulate as follows:

1. WHEREAS, Defendants intend to file a motion for judgment on the pleadings;

2. WHEREAS, the parties have met and conferred to find a mutually convenient hearing date and agree upon a briefing schedule;

NOW, THEREFORE, IT IS AGREED THAT (as set forth in the attached proposed order) the motion for judgment on the pleadings shall be noticed for hearing on March 17, 2011. The briefing schedule shall be as follows: Motion to be filed on or before February 1, 2011, Opposition to be filed on or before February 18, 2011, and Reply to be filed on or before March 3, 2011.

DATED: January 24, 2011

BARTKO, ZANKEL, TARRANT & MILLER

By: /s/ Robert H. Bunzel
Robert H. Bunzel

Attorneys for Plaintiffs
KEVIN MARTIN, DAVID NORRIS and
FRANK STONE

DATED: January 24, 2011

MUNGER, TOLLES & OLSON LLP

By: /s/ Victoria L. Boesch
Victoria L. Boesch

Attorneys for Defendants
MERRILL LYNCH, PIERCE, FENNER &
SMITH INCORPORATED, MERRILL
LYNCH & CO., INC. and BRIAN RILEY

I, Victoria L. Boesch, attest that I have obtained concurrence from Robert H. Bunzel in the filing of this stipulation. *See* N.D. Cal. General Order 45 § 10(B).

Pursuant to the stipulation of the parties, and good cause appearing, IT IS HEREBY ORDERED that:


1. Defendants shall file their motion for judgment on the pleadings by February 1, 2011 and set it for hearing on March 17, 2011 at 2:00 p.m.

2. Plaintiffs shall file their opposition on or before February 18, 2011.

3. Defendants shall file their reply on or before March 3, 2011.

IT IS SO ORDERED.

Dated: 1/25/2011

By: 
The Honorable Claudia Wilken
United States District Judge
Northern District of California